

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICKY HAND,

Petitioner,

vs.

G. SWARTHOUT, Warden,

Respondent.

No. C 11-06410 EJD (PR)

ORDER GRANTING SECOND  
EXTENSION OF TIME TO FILE  
COMPLETE *IN FORMA PAUPERIS*  
APPLICATION

On February 22, 2012, the Court dismissed this pro se petition for writ of habeas corpus without prejudice for Petitioner's failure to pay the filing fee. (See Docket No. 4.) On March 26, 2012, Petitioner filed a letter indicating that he had been confused about his deadlines and requesting an extension of time to proceed with this habeas action. (Docket No. 6.) Petitioner states that he has "proof" that "none of this is my fault." (Id.) In the interest of justice, the Court granted Petitioner an extension of time to file a motion for reconsideration to reopen this action. Petitioner was directed to file a motion showing good cause why this case should be reopened with any supporting documentation, along with the proof of payment of the filing fee or a complete in forma pauperis ("IFP") application, no later than April 22, 2012.


On April 27, 2012, Petitioner filed a letter to which he attaches a copy of the IFP

1 application that he had mailed with his petition. (Docket No. 8.) Petitioner states that the  
2 copy proves that he filed an IFP application. He further states that the Clerk's notice  
3 regarding the deficient IFP notice was sent a month later than as docketed, and he was  
4 unsure what action to take since the set forth deadline had already expired. (Id.) Be that  
5 as it may, the Clerk's notice advised Petitioner that his original IFP application was  
6 deficient because he failed to submit a Certificate of Funds in Prisoner's Account  
7 completed and signed by an authorized officer of the prison, and that he must either file  
8 the missing document or pay the filing fee to avoid dismissal of this action. (See Docket  
9 No. 3.) The copy of the same IFP application he has recently filed fails to rectify this  
10 deficiency.

11 In the interest of justice, the Court will construe Petitioner's April 27, 2012 letter  
12 as a motion for reconsideration. However, the Court will not reopen this action until  
13 Petitioner has completed his IFP application by filing a Certificate of Funds in Prisoner's  
14 Account completed and signed by an authorized prison official. In the alternative,  
15 Petitioner may pay the \$5.00 filing fee. Petitioner must either file the completed  
16 Certificate of Funds or pay the filing fee **no later than September 28, 2012.**

17 The Clerk shall enclose two blank copies of the Certificate of Funds in Prisoner's  
18 Account with a copy of this order to Petitioner.

19  
20 DATED: 8/31/2012

  
EDWARD J. DAVILA  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RICKY A HAND,

Plaintiff,

v.

GARY SWARTHOUT et al,

Defendant.

Case Number: CV11-06410 EJD

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 4, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ricky A. Hand G-07185  
CSP Solano State Prison  
P. O. Box 4000  
Vacaville, CA 95696

Dated: September 4, 2012

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk